

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEROY RILEY,)	
Plaintiff)	
v.)	C.A. No. 05-172 Erie
CHARLES M. SIMPSON, et al.,)	District Judge McLaughlin
Defendants.)	Magistrate Judge Baxter

ORDER

AND NOW, this 25th day of April, 2006;

IT IS HEREBY ORDERED that Plaintiff's "Motion to Enter Declaration for Entry of Default" [Document # 19] is DENIED. According to the docket entries in this case, Defendant David McCoy was served with the Complaint on March 24, 2006, and the remaining Defendants were served on March 27, 2006. Thus, Defendants responsive pleadings were due to be filed by April 13, 2006 and April 17, 2006, respectively. On April 13, 2006, Defendants filed a motion for extension of time to file a responsive pleading, which has been granted by separate order of this Court. Thus, Plaintiff's motion for entry of default judgment against Defendants is moot.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge